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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,389	02/20/2004	Francois Niarfeix	5310-05500	6421
35690	7590	07/13/2007		
MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C. P.O. BOX 398 AUSTIN, TX 78767-0398			EXAMINER JOYCE, WILLIAM C	
			ART UNIT 3682	PAPER NUMBER
			MAIL DATE 07/13/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/783,389	Applicant(s) NIARFEIX ET AL.	
	Examiner William C. Joyce	Art Unit 3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 12 and 15 is/are rejected.
- 7) ☒ Claim(s) 6, 8-11, 13 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This Office Action is in response to the Election filed April 12, 2007 for the above identified patent application.

#### ***Election/Restrictions***

1. Applicant's election without traverse of claims 1-15 in the reply filed on April 12, 2007 is acknowledged.

#### ***Information Disclosure Statement***

2. The information disclosure statements must comply with 37 CFR 1.98(a)(2) and 37 CFR 1.98(a)(3) which requires a legible copy of each cited foreign patent document and a concise explanation of the relevance of the foreign documents not in the English language. The following documents have not been considered by the examiner:

-In the IDS filed March 16, 2005, applicant has not provided:

- a. an explanation of relevance for document F18.

-In the IDS filed June 30, 2006, applicant has not provided:

- a. an explanation of relevance for document B23.
- b. a copy and an explanation of relevance for documents B39-B45.
- c. a copy for documents B46, B47, B52, B53, B56-B61.

3. One of the information disclosure statement filed June 30, 2006 has not been considered and appears to be directed to US application 10/488,911 as listed in the title

section. Further, the references in the IDS appear to duplicate many documents already cited in another IDS properly made of record. If applicant intends to have any documents listed in the IDS considered, a proper IDS having the proper serial number, must be filed. Further, it is requested that any duplicate documents previously considered be removed from the newly filed IDS.

### ***Drawings***

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "conical washers" (claim 3) and the "washer provided with elastic tongues" (claim 4) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

Art Unit: 3682

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 5, 12, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Brauer (USP 5,051,693).

Referring to Figure 2, Brauer discloses an instrumented rolling bearing device comprising: an outer non-rotating race provided with a raceway; an inner rotating race provided with a raceway; at least one row of rolling balls arranged between said raceways of the rotating and non-rotating races; an assembly (32,40,42) for detecting rotation parameters comprising a non-rotating sensor assembly (42) and a rotating encoder (40); and an elastic member (31) axially prestressing the rolling bearing and retained axially on the sensor assembly, the elastic member being of annular shape and having an outer diameter smaller than or equal to that of the outer race of the bearing, the elastic member comprising a supporting surface designed to be in contact with an element (30) outside said bearing device in order to exert, directly or indirectly, by reaction from the above element outside said device, an axial force on the non-rotating race in a direction opposite to the detection assembly.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2-4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brauer (USP 5,051,693).

The prior art to Brauer teaches the elastic member having the form of a coil spring, and does not teach the elastic member as a washer. Official Notice is taken with respect to the shape of the elastic member since it was notoriously known in the art to form an elastic spring member as a washer, a corrugated washer, a conical washer, a washer with tongues. Further, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the coil spring with one of a corrugated spring washer, a conical spring washer, a spring washer with tongues, since the examiner takes notice of the equivalence of the spring members in the mechanical art and the selection of any one these known equivalents would be within the level of ordinary skill in the art.

***Allowable Subject Matter***

9. Claims 6, 8-11, 13, and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Joyce whose telephone number is (571) 272-7107. The examiner can normally be reached on Monday - Thursday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

 7/8/07  
William C. Joyce